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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,703	07/17/2003	Yoshitaka Sakoh	02410335AA	9315

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EXAMINER

NGUYEN, BINH AN DUC

ART UNIT	PAPER NUMBER
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3713

DATE MAILED: 08/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/620,703

Applicant(s)

SAKOH, YOSHITAKA

Examiner

Binh-An D. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 5-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 5-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

The Request for Continued Examination and the Amendment filed June 15, 2006 have been received. According to the Amendment, claim 1 has been amended, claims 2-4 have been canceled, and new claims 5-11 have been added. Currently, claims 1 and 5-11 are pending in the application. Acknowledgment has been made.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 5-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stambolic et al. (5,685,776).

Referring to claim 1, Stambolic et al. teaches a controller comprising: a main board (52)(Figs.3A, 4B), on which an electrical component is mounted; a buffer member (part holding member, i.e., bottom part 30); and a switch board holding member, holding the switch board and integrally formed with the buffer member (Fig.4B). Note that, according to Stambolic et al., the push switch such as momentary switch 74A (Fig. 4B) is electrically connected to the electrical component (3:50-4:17; 6:10-19). Stambolic et al. does not explicitly teach a switch board on which a push switch is mounted and the buffer member (or part holding member) interposed between the switch board and the main board, however, these are design choice since the switch

holding member which holds the switch (Fig.4B), as taught by Stambolic et al., would have the same function and effect as the claimed switch board holding member which holds a board having a switch mounted thereon, *i.e., both the holding member of Stambolic et al. and the applicant's holding member are for supporting the switch of the controller*; thus, there is no unexpected result if the claimed holding member holding the switch alone or holding the switch board having a switch thereon. Further the arrangement of the part holding member to be interposed between the switch board and the main board does not bring unexpected result to the functionality of the controller. It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify the handheld controller of Stambolic et al., utilizing well known design techniques such as switches design placement and battery holder design, to come up with a portable controller having parts holding member that contains compact electronic circuitry which are reliable and inexpensive to manufacture.

Referring to claims 5 and 7, Stambolic et al. teaches the controller further comprising a battery terminal holding member (bottom housing part 30)(Figs. 3A, 4B), holding a battery terminal and integrally or monolithically formed with the buffer member (or part holding member)(Fig.4B).

Referring to claim 6, Stambolic et al. teaches the switch holding member is monolithically formed with the buffer member (or part holding member)(Fig.4B).

Referring to claims 8-10, wherein the controller further comprising a first rib formed on the switch board holding member so as to receive a force generated by an operation of the push switch, and wherein the first rib is in contact with the buffer

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member, these are manufacture design choice since the cutout slot of the switch holding member (Fig. 4B) would function in the same way, e.g., to receive a force generated by an operation of the push switch; further Stambolic et al. teaches this support structure is in contact or integral with the buffer member (Fig.4B).

Referring to claim 11, wherein the controller further comprising a second rib, formed on the battery terminal holding member and supporting the battery terminal, this limitation is an obvious design choice since it is well known in the manufacturing industry to utilize ribs for enforcing delicate support structures.

Response to Arguments

Applicant's arguments with respect to claims 1 and 5-11 have been considered but are moot in view of the new ground(s) of rejection.

Regarding the applicant's arguments that Stambolic et al. does not teach the limitation of part holding member to be interposed between the switch board and the main board (applicant's remark, page 4, 4th paragraph), this limitation of arranging of parts has been considered as design choice since it does not bring unexpected result to the functionality of the controller.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh-An D. Nguyen whose telephone number is 571-272-4440. The examiner can normally be reached on Monday-Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on 571-272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BN



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SUPERVISORY PATENT EXAMINER

TC3700